

MINUTES
ZONING COMMISSION
MAY 2, 2012 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Cady, French, Hudecek, Marquardt, O'Neill, Sutherland
Absent:
Staff: Davis, Gilot

Chairperson Sutherland called the meeting to order at 7:00 p.m.

II. PUBLIC HEARING

1. Special Permit #326, 4 Pearl Street, PIN 261918319034, WDD Zone. Proposal is to expand an existing restaurant having 350 SF seating area by converting an open area on the second floor to 125 SF seating area (total of 475 SF seating area). Review is per Section 6.3 of the Zoning Regulations. (Leo Roche, Applicant)*

Chairperson Sutherland read the legal ad.

Leo Roche, Owner, 4 Pearl Street, Mystic, presented his application to convert an upstairs room in his restaurant to 125 square feet of additional seating area, accommodating two or three tables, up to eight – ten people. A full menu will be served upstairs. Mr. Roche said the area is currently storage.

Staff said the Economic Development Commission referral was in favor of the expansion. The Planning Commission referral stated concerns with the parking. The mailings were completed properly, and all agency concerns had been addressed.

The Chairperson asked for comments from the public and there were none.

The public hearing was closed at 7:07 p.m.

2. Special Permit #327, 11 Water Street and 13 Water Street, PINS 261918306223 and 261918306247, WDD Zone. Proposal is for construction of a 746 SF outdoor seating area, stairway and wood fence. Review is per Section 6.3 of the Zoning Regulations. (Mystic Ledge Real Estate, LLC, Owner) (CAM)*

Dan Meiser, Owner, presented his application for construction of an outside seating area, stairway and wood fence.

Gregg Fedus, Fedus Engineering, detailed the proposal. The back of the building is all ledge, which is currently used to store propane tanks, compost and herb beds. An existing outdoor stairway is used as an employee entrance. A second set of stairs is proposed to access the new seating area. Mr. Fedus distributed photos and detailed the existing walkway, rain garden and stairway. The deck would be multi-tiered to preserve the rock outcropping. A 42" fence would be installed. The topography of the ledge will remain; no blasting is proposed. The proposed lighting was detailed.

This seating area would be for the overflow of patrons waiting for tables. Mr. Meiser does not propose any food service on the deck; only drinks will be served. There are no plans for music. The design of the stairway and lighting were detailed. Access to the staircase is

from the outside. The seating area would be staffed. Mr. Meiser explained that this is a fine dining establishment, with an older dining clientele. The seating area would be used by patrons waiting for tables in the dining room, during the prime dinner hours.

Staff said the Economic Development Commission referral was favorable. The Planning Commission had concerns with fire safety, lighting pollution and parking. Additional comments from the Fire Marshal and Mr. Lee Vincent were received today and distributed to the Commissioners

The Chairperson asked for comments from the public.

Shelley Colonese, 15½ Water Street, Powerhouse Condominiums, had concerns with noise and parking.

David Kay, 37 Steamboat Wharf, said he was concerned with outside music.

Marshall Yudin, 51 Steamboat Wharf, representing the Steamboat Wharf condominium association, also had concerns with music.

Judi Caracausa, 375 Allyn Street, also an owner at the Power House, was concerned with noise.

Mr. Meiser addressed the concerns of the neighbors. There is no plan for outside music. He also discussed the parking and his participation in the validation program at the Mystic Art Association. He said that dining service seating ends at 10:00 p.m. on weekends. There will be a fence all the way around the proposed deck area; he does not believe they have a gate proposed at this time to limit access when they are closed, but he would accommodate that.

Mr. Meiser said they would be able to seat 28-40 guests on the deck.

The Commission took a few minutes to read communications submitted by the Fire Marshal and Mr. Vincent at 8:03 p.m.

The public hearing was closed at 8:11 p.m.

III. APPROVAL OF THE MINUTES OF April 4, 2012

MOTION: To approve the minutes of April 4, 2012 as amended.

Motion made by French, seconded by Marquardt. Motion passed unanimously.

IV. CONSIDERATION OF PUBLIC HEARINGS

1. Special Permit #326, 4 Pearl Street (Leo Roche, Applicant)

MOTION: To approve Special Permit #326 to to expand an existing restaurant having 350 SF seating area by converting an open area on the second floor to 125 SF seating area (total of 475 SF seating area).

Motion made by French, seconded by O'Neill. Motion passed unanimously.

2. Special Permit #327, 11 Water Street and 13 Water Street (Mystic Ledge Real Estate, LLC, Owner)

MOTION: For construction of a 746 SF outdoor seating area, stairway and wood fence, with the following conditions:

The new outdoor seating area will not be used after 10:00 p.m.

There will be no outdoor music or entertainment.

The owner is required to provide parking validation at Mystic Art Association for any additional parking required.

Motion made by French, seconded by Marquardt. Motion passed unanimously.

V. PUBLIC COMMUNICATIONS - None

VI. OLD BUSINESS

1. Discussion of proposed text amendment to Zoning Regulations Section 8.3

Staff recommended discussing under #2 of Old Business.

2. Commission Work Program for 2012

Chairperson Sutherland had submitted a list of ten items to the Commission for consideration as the goals of the Commission. She would like to meet with staff to prioritize the list. An email sent to the Commission by the Director, outlining appropriate goals for the Commission, was briefly discussed by staff.

MOTION: To make the list of 10 items submitted by Chairperson Sutherland the future items of consideration. This list is not specific to the ten already presented, and other items may added by consensus.

1. Coordinate with and support the Planning Commission in the update of the Plan of Conservation and Development.
2. Create a business friendly environment in order to support and promote local business growth to increase the net financial revenues of the Town. For Example: Nautilus Design District – improve the plan using business owner input and Plan of Conservation and Development guidelines (6 – 12 months per OPDS Staff).
3. Extend the Town's goal to incorporate improved design standards along Route 1 through the Route 1 corridor to the approach to Fort Hill. Per OPDS Staff, in- house would take multi-years; outside consultant could complete in 1 year at a cost of about \$75k.

4. Identify a methodology which will provide incentives for applicants to exceed best practice stormwater standards, low impact development, open space allocations and other Town economic and community goals.
5. Review stormwater regulations to include the WRPD district and a clarification of Zoning Regulation section 6.11-2. Per OPDS Staff, WRPD regulations are outdated and much has changed since they were approved in 1986. This project would take at least a year to complete.
6. Incorporate CGS 8.2(b) into the zoning regulations so requirements are clear to applicants and all other relevant parties. Will be referenced in regulation update to be received shortly after legal review is complete per OPDS Staff.
7. Review definition of Active Senior Housing to insure residents are 55 or older so Town economic revenue projections can be attained. The Zoning Commission will propose language and the normal process will be followed afterwards.
8. Agree on a buildable land definition. The Zoning Commission will propose language and the normal process will be followed afterwards.
9. Encourage Town to complete a full build-out analysis to determine the implications for water availability, tax revenue, infrastructure and other key elements.
10. Insure the goals of the Conservation Commission are incorporated into the Zoning Commission review process. Solution can be a review of the application and subsequent referral from the Conservation Commission per OPDS Staff.

Motion made by French, seconded by Hudecek.

Some Commissioners stated concerns with some of the items on the list, but agreed to support the motion if these were only discussion points and not “goals”.

Motion passed unanimously.

Staff said Section 8.3, special permit objectives, was a goal for the Commission in the past, and the Commission may want to consider it, as the Director’s memo to the Commission, Item #5, referenced. Staff said he did not advance with Section 8.3 edits because he was not sure if it would be part of the Commission’s work program. Staff said the department’s work program and the Zoning Commission’s work program will need to be integrated. It was the consensus to add this to the work program as well.

VII. NEW BUSINESS

1. Zoning Commission Assignment to the POCD Update Consultant Selection Committee (one member)

MOTION: To appoint Sutherland to represent the Zoning Commission on the POCD Update Consultant Selection Committee.

Motion made by Hudecek, seconded by French, so voted unanimously.

Sutherland and Marquardt volunteered to serve on the POCD Update Steering Committee, with one to serve as an alternate, if the Planning Commission approves of such. Staff did not believe the Planning Commission would object to a Zoning Commission alternate, but will ask them at their May 8th meeting. Staff noted there is sufficient time in that the Steering Committee will not be in operation until after the next Zoning Commission meeting.

2. New Applications

Special Permit #328 – 38 Central Avenue, TVCCA Head Start Center

A public hearing was scheduled to open on June 6, 2012.

VIII. REPORT OF CHAIR

IX. REPORT OF STAFF

Staff said the Mystic Art Association may make some amendments to their parking policies, relative to fees. Staff will provide the Commission with any information they receive on the revised program. Staff recommended that anyone with issues related to the streetscape project can contact Rick Norris, the Project Manager for the Streetscape project.

X. ADJOURNMENT

Motion to adjourn at 9:19 p.m. made by Hudecek, seconded by Marquardt, so voted unanimously.

Mariellen French, Secretary
Zoning Commission

Prepared by Debra Gilot, Office Assistant III